

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Wilfredo Hernandez
2944 W. 5th Street, Apt 13-H
Brooklyn, New York 11224
NAME OF PLAINTIFF(S)

COMPLAINT

Trump Village Sec IV
2928 W. 5th Street,
Brooklyn, New York 11224
NAME OF DEFENDANT(S)

12-0795

IRIZARRY, J.

COLLAK, M.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

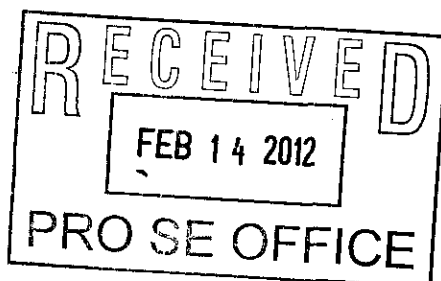
NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Jurisdiction is specifically conferred upon this United States District Court by the
aformentioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate
under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991,
Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

2944 W. 5th Street, Apt 13-H
Street Address
Kings, Bklyn N.Y. 11224 917 331-5610
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

2928 W. 5th Street
Street Address
Kings Brooklyn N.Y. 11224
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

2928 W. 5th Street
Street Address
Kings, Bklyn Brooklyn NY 11224
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes

(check only those that apply).

- ☐ Failure to hire.
- ☒ Termination of my employment.
- ☐ Failure to promote.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation
- ☒ Other acts (specify): religious persecution
and sexual harassment

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

9/06/06, 11/27/09, 5/8/10, 12/20/10, 12/29/10, 3/28/11, 6/2011
Date(s) 9/2011

6. I believe that the defendant(s) (check one)

☐ is still committing these acts against me.

☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
(check only those that apply and state the basis for discrimination, for example,
what is your religion, if religious discrimination is alleged)

- ☐ race _____ ☐ color _____
- ☐ gender/sex _____ ☐ religion Christian
- ☐ national origin _____
- ☐ age _____ My date of birth is: _____
Date
- ☐ disability _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

Superintendent (Carlos Angelucci) discriminated against me because I am Christian and he is a Jehovah's Witness. When I started my employment at Trump Village Sect. IV a Christian co-worker (Mr Dennis Brown) warned me not to bring my bible to work because Mr Angelucci did not like Christians. Mr Angelucci fondled me on my ass with a monitor cable and also jumped on my back and humped me when I was bent over cleaning (Attach additional sheets as necessary) a mat.

Note: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: 12/22/2010
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 12/17/2010
Date

Only litigants alleging age discrimination must answer Question #11.

Mr. Angelucci on many occasions not sexually about his sister and described sexual acts he engaged with the Manager (Fern Riback). Mr. Angelucci would frequently call me M.F. in front of co-workers. An unknown person broke a window in the lobby and I was suspended after I allegedly did not clean up the broken glass. I was fired on March 28, 2011 for allegedly sabotaging the marble floors. The floors were not damaged, they had a wax buildup and I was forced to use a defective buffer. I filed a discrimination charge with EEOC on January 03, 2011. Prior to being terminated the Manager (Fern Riback) told me at a meeting that not even EEOC is going to save me from being terminated. Present at this meeting was Mr. Angelucci, Shop Steward (Pierre Wyatt) and Union Rep. (Ken) Local 804, International Brotherhood of Teamsters ^(Reiman).

After I was terminated I started to reside at the same complex that I was discriminated. On a few occasions the Super (Mr. Angelucci) approached my step daughter (Alissa Decatur), my mother in law (Teresa Estrada) and her home attendant (Martha Duron) and made the comment that I ~~am~~ had a problem, because I was too religious. This occurred approximately in June, 2011. On another occasion on Labor Day, 2011. I was bringing up in the elevator some musical instruments ~~when~~ (Congas and accordion) when Mr. Angelucci and an ex co-worker (Shawn) followed ^{me} up to my floor and harassed me and accused me of moving furniture.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one),

☐ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Right to Sue letter.

☒ has issued a Right to Sue letter, which I
received on November 25, 2011.
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.


PLAINTIFF'S SIGNATURE

Dated: 2/14/12

2944 W. 5th Street, Apt 13-H
Address
Brooklyn, NY 11224
917 331-5610
Phone Number

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC
520-2011-00890**New York State Division Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Wilfredo Hernandez

Home Phone (Incl. Area Code)

Date of Birth

03-31-1951

Street Address

City, State and ZIP Code

3166 Coney Island Avenue, Apt 3-B, Brooklyn, NY 11235

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Jump Village Section II Inc

No. Employees, Members

25

Phone No. (Include Area Code)

718 946-4800

Street Address

City, State and ZIP Code

2928 W. 5th Street Brooklyn, NY 11224

Name

No. Employees, Members

03 2011

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

9/2/06 to 9/27/06 - 12/22/10☐ RACE☐ COLOR☐ SEX☒ RELIGION☐ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On or around May 8, 2010, while performing regular maintenance duties, my supervisor Carlos touched my rear end with a cable, then laughed about it. I was offended by this, and felt as though he was sexually harassing me.

On December 20, I had a meeting with Carlos, Respondent and my union representatives Pete and Kant, because I was contesting a write up I had recently received on December 13. Carlos made a discriminatory comment about my religion, stating that I was being manipulated by Satan. In the presence of Pete and Kant, I told Carlos that I did not want him speaking about my religion.

Within the past two years, Carlos has made disparaging comments about my religion on eight or nine occasions.

On another occasion, Carlos compared me to "Brother Brown," a name he used to refer to another Christian employee, saying that he is always reading the Bible. Carlos said to me that I should pray to my God to save me from getting laid off.

EVERIDITH PEREZ
Notary Public, State of New York
Qualified in New York County
Commission Expires June 8, 2011

NOTARY - When necessary for State and Local Agency Requirements
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT
Date: 01-03-2011

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

01-03-2011

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

CHARGE OF DISCRIMINATION

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Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

520-2011-03091

New York State Division Of Human Rights

and EEOC

State or local Agency, if any:

Name (indicate Mr., Ms., Mrs.):

Mr. Wilfredo Hernandez

Home Phone (Incl. Area Code)

(917) 331-5610

Date of Birth

3/31/51

Street Address

City, State and ZIP Code

2944 West 5th Street, Apt. 13-H, Brooklyn, NY 11224

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

TRUMP VILLAGE WEST (SECTION 4 INC.)

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(718) 946-4800

Street Address

City, State and ZIP Code

2928 West 5th Street, Brooklyn, NY 11224

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

03-28-2011

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I have been employed with Respondent (Trump Village West) (Section 4 Inc.) since September 1996. I filed an EEOC Charge of Discrimination on December 12, 2010 (EEOC Charge No: 520-2011-00890). I believe I have been retaliated against since filing my charge with the EEOC. The Manager (Fern Riback) terminated my employment on March 28, 2011. Ms. Riback told me "not even the EEOC would be able to help me".

I allege that I have been discriminated against by Respondent and subjected to retaliation due to me filing a prior charge with the EEOC regarding my religion. I believe my rights have been violated under Title VII of the Civil Rights Act of 1964 (Title VII) when I was terminated from my maintenance position with Respondent.

Prior to the day that I was terminated I was in a meeting in the manager's office located at 2928 W. 5th St. Bldg 6-A. Present at that meeting was the Super (Carlos Angelucci) Pierre Wyat (Shop Steward) Ken (Union Representative, Teamsters Local 804, When the manager (Fern Riback) made the statement "NOT even EEOC is going to save you."

I want this charge filed with both the EEOC and the State or local Agency, if any. ☒ I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

8/21/11

Date

Charging Party Signature

CHARGE OF DISCRIMINATION
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Charge Filed To:
☐ FEPA
☒ EEOC

Agency(ies) Charge No(s):
520-2011-03091

New York State Division Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Wilfredo Hernandez

Home Phone (Incl. Area Code)

(917) 331-5610

Date of Birth

3/31/51

Street Address

City, State and ZIP Code

2944 West 5th Street, Apt. 13-H, Brooklyn, NY 11224

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

TRUMP VILLAGE WEST (SECTION 4 INC.)

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(718) 946-4800

Street Address

City, State and ZIP Code

2928 West 5th Street, Brooklyn, NY 11224

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

03-28-2011

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

2006 with

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I allege that I have been discriminated against by Respondent and subjected to retaliation due to me filing a prior charge with the EEOC regarding my religion. I believe my rights have been violated under Title VII of the Civil Rights Act of 1964 (Title VII) when I was terminated from my maintenance position with Respondent.

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I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

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I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

8/21/11

Date

Charging Party Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Wilfredo Hernandez**
2944 West 5th Street
Apt 13-H
Brooklyn, NY 11224

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2011-00890

Roxanne Zygmund,
Investigator

(212) 336-3764

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry,
District Director

November 23, 2011

(Date Mailed)

Enclosures(s)

cc:

Fern Riback, Manager
TRUMP VILLAGE SECTION 4 INC.
2928 West 5th Street
Brooklyn, NY 11224